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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of

Promotion of Competitive Networks in Local
Telecommunications Markets

WT Docket No. 99-217

Wireless Communications Association
International, Inc. Petition for Rulemaking to
Amend Section 1.4000 of the Commission's Rules
to Preempt Restrictions on Subscriber Premises
Reception or Transmission Antennas Designed to
Provide Fixed Wireless Services

Implementation of the Local Competition
Provisions in the Telecommunications Act of 1996

CC Docket No. 96-98

Review of Sections 68.104 and 68.213 of
the Commission's Rules Concerning Connection
of Simple Inside Wiring to the Telephone Network

CC Docket No. 88-57

**COMMENTS
of the
GENERAL SERVICES ADMINISTRATION**

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Summary

In these Comments, GSA addresses issues concerning access by competitive local carriers to multiple tenant environments ("MTEs"). Since many Federal offices are located in large office buildings, the Commission's policies concerning access to MTEs will have a significant impact on the availability and prices of services needed by the government.

In response to the Commission's request for an update on the status of the market for the provision of services in MTEs, GSA reports its own experience in implementing the results of competitive procurements for local telecommunications services. In a great number of buildings, sites, or locations, Federal agencies have experienced delays in transitioning services from the incumbent local exchange carrier ("LEC") to the carrier selected in the competitive bidding process.

Lastly, GSA lists issues that should be addressed in any consideration of potential fees.

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**COMMENTS
of the
GENERAL SERVICES ADMINISTRATION**

The General Services Administration ("GSA") submits these Comments on behalf of the customer interests of all Federal Executive Agencies ("FEAs") in response to the Further Notice of Proposed Rulemaking in WT Docket No. 99-217 ("Notice") released on October 25, 2000. The Notice seeks comments and replies on issues concerning access to multiple tenant environments ("MTEs").

I. INTRODUCTION

Pursuant to Section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 481(a)(4), GSA is vested with the responsibility to represent the customer interests of the FEAs before Federal and state

regulatory agencies. From their perspective as end users, the FEAs have consistently supported the Commission's efforts to bring the benefits of competitive markets to consumers of all telecommunications services.

On October 25, 2000, the Commission released the First Report and Order in WT Docket No. 99–217, the Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96–98 and the Fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88–57 ("*Access Orders*"). In joint findings for these proceedings, the Commission took steps to ensure that competing telecommunications providers are able to provide services to customers in multiple tenant environments ("MTEs").¹

In the *Access Orders*, the Commission (1) prohibited carriers from entering into exclusive contracts with building owners, including contracts that restrict owners or managers from permitting access by competing carriers; (2) established procedures to reduce competitive carriers' dependence on incumbent LECs concerning on–premises wiring; (3) determined that all utilities must afford telecommunications carriers and cable service providers reasonable and nondiscriminatory access to their conduits and rights–of–way in buildings and campuses; and (4) concluded that parties with an ownership or leasehold interest in property should have the right to place antennas one meter or less in diameter in areas within their exclusive use or control to receive or transmit any fixed wireless service.²

Although the Commission has taken significant steps to foster access, it is concerned that "unreasonable discrimination among competitive telecommunications service providers by some premises owners remains an obstacle to competition and

¹ *Access Orders*, para. 1.

² *Id.*

consumer choice.³ Consequently, the Commission has released the Notice in WT Docket No. 99–217 concurrently with the *Access Orders* to address issues concerning the scope and implementation of access rules for MTEs.⁴ In the Notice, the Commission seeks to refresh the record on the status of the market for the provision of telecommunications services in MTEs.⁵ Also, the Commission requests views of parties on issues concerning implementation of nondiscriminatory access requirements.⁶ In addition, the Commission seeks inputs on a number of technical matters, including the definition of “rights-of-way” in MTEs and wiring configurations in buildings.⁷

In nearly all cities, offices of many Federal agencies are located in large commercial MTEs. Therefore, the policies established by the Commission and by state regulatory agencies for access to these MTEs will have a significant impact on the availability and prices of telecommunications services needed by the FEAs.⁸

II. COMPETITORS HAVE ENCOUNTERED BARRIERS WHEN STARTING TO PROVIDE SERVICES TO TENANTS IN COMMERCIAL MTEs.

A. The FEAs have experienced difficulties in transitioning services from incumbent LECs.

In response to the Commission’s request for an update on the status of the market for the provision of telecommunications in MTEs, GSA can report from its own experience that competitive LECs (as mentioned below) are encountering difficulties in obtaining access to carrier facilities necessary to initiate services for their own end

³ *Id.*, para. 8.

⁴ Notice, paras. 125–127.

⁵ *Id.*, paras. 160–164.

⁶ *Id.*, paras. 165–168.

⁷ *Id.*, paras. 169–172.

⁸ In a separate filing the United States Department of Defense (“DOD”) is requesting an exemption from the Commission’s non-discriminatory access rules.

users. The FEAs have experienced delays to implement the results of competitive procurements for local telecommunications services.

Several years ago, GSA initiated the Metropolitan Area Acquisition ("MAA") program to provide local services to Federal agencies and other authorized users in business centers throughout the nation. The MAA program is a vehicle intended to help Federal agencies obtain lower costs and better telecommunications services in the emerging competitive marketplace.

For each metropolitan area, carriers compete to provide local telecommunications service in the core city and the surrounding suburban areas. Collectively, these areas encompass a very large fraction of the Federal offices — and the means for delivering government services — throughout the continental U.S.

MAA contracts for 19 areas have been awarded so far, with more planned for the future. In most of the areas multiple contracts have been awarded. These competitions have resulted in selection of a competitive LEC to provide all or part of the telecommunications services to government agencies that are principally located in large commercial MTEs. Since the agencies previously received services from the incumbent carrier, the awards have involved transitioning services to a "new" carrier in commercial MTEs.

The transitions to competitive LECs are proving to be difficult and costly in some cases. For example, a competitive LEC ("CLEC") must have access to conduit and cable installed by the incumbent LEC. However, in one MAA city, the incumbent LEC asserted that it maintained full control over the facilities up to the premises of each tenant on every floor of the building. The incumbent carrier offered to move the rate demarcation point ("RDP") to the "minimum point of entry" in any building that the government owned or managed, but the carrier sought compensation for the existing cable and for the costs incurred in making the move. From GSA's perspective, the

requested reimbursement seemed unreasonable in view of depreciation over the long period of time that the cable had been used in the building. Moreover, if the RDP were to be relocated, the incumbent LEC asserted that GSA would have the responsibility to ensure that services would be continuously maintained to each of the tenant's premises in the building, including any users served directly by the incumbent carrier, because they were not under the MAA contract. This is affecting 70 agencies in 31 buildings. A CLEC in another MAA city is beginning to encounter this same problem. *

In some metropolitan areas, one of the CLECs selected by GSA is utilizing "wireless" technology. To implement this technology, a "wireless" LEC requires the same functionalities in the interior of the MTE as the "wireline" carrier, as well as an additional capability — rooftop access. As a general matter, rooftop access can be costly to the carrier. Charges depend on the general location, height of the building, and other factors.

B. Carriers enumerate a variety of requirements for access to office buildings.

In previous comments to the Commission, AT&T listed a number of requirements for competitive LECs to establish services in MTEs. For open access to commercial MTEs, AT&T explained that competitors need:

- right-of-way to deploy conduit from the street to a customer's premise;
- the ability to place equipment in the "common space" of the building;
- access to the building's electrical power source;
- the authority to deploy conduit, as well as riser cable and horizontal cable;
- the ability to run conduit through interior wall and ceiling space;
- access to R-11 jacks; and

- general access to the common areas of the building for installation, maintenance and termination of telecommunications services.⁹

In addition to these requirements that are pertinent for all carriers, “wireless” local exchange carriers need access to antennas located on rooftops or exterior wall space.²¹

Additionally, GSA is aware of the following building owner concerns. These include:

- the need for thorough planning and coordination;
- issues of determining ownership of existing telecommunications wiring and equipment;
- adequate compensation to building owners;
- the need for a written access license agreement with carrier;
- knowledge of how the building is to be accessed and whether any building elements will need to be altered;
- building security and safety;
- recognition of carrier's need to comply with all applicable laws, regulations, procedures, codes and standards;
- issues of indemnification due to interruption of service or claims of damage;
- utility costs; and
- carrier responsibility for removal of equipment.

⁹ Comments of AT&T, August 27, 1999, p. 18.

III. ISSUES TO BE CONSIDERED RELATIVE TO POTENTIAL FEES

GSA offers the Commission the following points for use in any consideration of potential fees incurred by carriers wishing to provide service in an MTE:

- costs incurred and other reasonable charges as might be appropriate
- that all components of the industry be addressed an equitable way, including incumbent providers, especially relative to any recurring charges
- that solutions address a future stable competitive multi provider telecommunications environment, not just an interim transition/evolution period

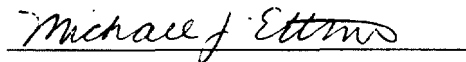
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IV. CONCLUSION

As a major user of telecommunications services, GSA urges the Commission to consider the issues set forth in these Comments.

Respectfully submitted,

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December 22, 2000

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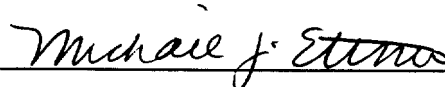
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